

REMARKS

Claims 1-10 are pending in this application. By this Amendment, claim 1 is amended. Support for the amendment to claim 1 can be found at, for example, Fig. 2 and paragraphs [0022] - [0024]. No new matter is added. Reconsideration and prompt allowance of the application based on the above amendments and the following remarks is respectfully requested.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Lee in the November 17, 2009 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

The Office Action rejects claims 1-3 and 9 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,815,103 to Abe et al. (hereinafter "Abe"). The rejection is respectfully traversed.

As agreed during the November 17, 2009 personal interview, Abe fails to disclose "the hydrogen exhaust valve disposed in the passage between the first portion and the second portion," as recited in independent claim 1. Specifically, the Examiner asserts that Abe discloses a first portion (liquid separating portion 22) but fails to assert where Abe discloses a second portion. Even if it is assumed (for the sake of argument) that the recited "second portion" corresponds to the fuel humidification portion (21) of Abe, it can be argued that the liquid separating portion (22) and the fuel humidification portion (21) are not equivalent to the recited "first portion" and "second portion" because the discharge valve (24) (asserted to be equivalent to the recited hydrogen exhaust valve) is not disposed in the passage between the liquid separating portion (22) and the fuel humidification portion (21) of Abe. As shown in Fig. 1 of Abe, the liquid separating portion (22) is disposed in the passage between the discharge valve (24) and the fuel humidification portion (21). Thus, Abe fails to disclose "a hydrogen exhaust valve disposed in the passage between the first portion and the second portion," as recited in independent claim 1.

Additionally, as agreed during the November 17, 2009 personal interview, Abe fails to disclose "the first portion and the second portion are directly fixed to each other," as recited in independent claim 1. The Examiner fails to assert where Abe discloses such fixation. Additionally, as discussed above, even if it is assumed that the recited "second portion" corresponds to the fuel humidification portion (21) of Abe, there is no mention in Abe's specification for any direct fixation between the liquid separating portion (22) and the fuel humidification portion (21). Thus, Abe fails to disclose "the first portion and the second portion are directly fixed to each other," as recited in independent claim 1.

Additionally, as agreed during the November 17, 2009 personal interview, Abe fails to disclose "the first portion and the second portion ... are both continuously supplied with heat from the fuel cell body following startup of the fuel cell body," as recited in independent claim 1. Specifically, Abe discloses that heat is supplied only when it is determined that the external temperature is below a predetermined temperature (col. 5, lines 57-61). If the external temperature is not below the predetermined temperature, then the dividing valve (26) for warming up is not closed; thus, no heat is supplied (Fig. 3 and col. 5, lines 62 - col. 6, line 31). As such, Abe discloses that heat may or may not be supplied based on an external temperature. Thus, Abe fails to disclose "the first portion and the second portion are both continuously supplied with heat from the fuel cell body following startup of the fuel cell body," as recited in independent claim 1.

Additionally, as agreed during the November 17, 2009 personal interview, Abe fails to disclose "the first portion is an end plate provided in a stack configured by the fuel cell body," as recited in dependent claim 3. Specifically, the Examiner asserts that Abe discloses the first portion is an end plate (the plate directly connected to the fuel cell 11) provided in a stack configured by the fuel cell body and supplied with heat liberated by the stack. However, there is no support in Abe for the liquid separating portion (22) (asserted to be equivalent to the

recited first portion) to be an end plate in a stack configured by the fuel cell. Thus, Abe fails to disclose "the first portion is an end plate provided in a stack configured by the fuel cell body," as recited in dependent claim 3.

Additionally, as discussed during the November 17, 2009 personal interview, Abe fails to disclose "the hydrogen exhaust valve is fixed to the first portion and the second portion," as recited in dependent claim 9. Specifically, the Examiner asserts that Abe discloses the hydrogen exhaust valve (discharge valve 24) is fixed to the first portion (liquid separating portion 22) and the second portion. However, the Examiner fails to assert where Abe discloses such a fixation and a review of Abe has failed to reveal any disclosure of the fixation of the discharge valve (24) (asserted to be equivalent to the recited hydrogen exhaust valve) to any other portion in the fuel cell system, including the liquid separating portion (22) (asserted to be equivalent to the recited first portion) and the fuel humidification portion (21) (asserted to be equivalent to the recited second portion). Thus, Abe fails to disclose "the hydrogen exhaust valve is fixed to the first portion and the second portion," as recited in dependent claim 9.

Applicant does not concede that Abe discloses the features recited in dependent claim 2. However, it is unnecessary to separately discuss the features recited in the dependent claim given the existence of clear and distinguishing features in independent claim 1.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

The Office Action rejects claims 4-6 under 35 U.S.C. §103(a) as being obvious over Abe, as applied to claim 1, in view of U.S. Patent No. 7,235,217 to Nguyen. The rejection is respectfully traversed.

Applicant does not concede that Abe or Nguyen, alone or in combination, teach or suggest the features recited in dependent claims 4-6. However, it is unnecessary to separately

discuss the features recited in the dependent claims given the existence of clear and distinguishing features in independent claim 1.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

The Office Action rejects claims 7, 8 and 10 under 35 U.S.C. §103(a) as being obvious over Abe, as applied to claim 1, in view of U.S. Patent No. 6,908,069 to Kiku. The rejection is respectfully traversed.

Applicant does not concede that Abe or Kiku, alone or in combination, teach or suggest the features recited in dependent claims 7, 8 and 10. However, it is unnecessary to separately discuss the features recited in the dependent claims given the existence of clear and distinguishing features in independent claim 1.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

I. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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